

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

*In re Capital One Financial Corporation,  
Affiliate Marketing Litigation*

Case No. 1:25-cv-00023-AJT-WBP

**JOINT NOTICE OF SETTLEMENT**

The Parties hereby provide notice that they have reached an agreement in principle to settle this dispute on a class-wide basis, subject to approval of the Court. Over the coming weeks, the Parties will be working to negotiate a comprehensive settlement agreement. Plaintiffs will file a motion for preliminary approval by no later than November 17, 2025.

If the Court is inclined to hold a hearing on the motion for preliminary approval, the Parties request that the Court set a December 2, 2025 hearing (a date on which the Parties were previously scheduled to appear before the Court for a monthly status conference) to decide whether to grant preliminary approval to the proposed settlement and direct that notice be provided to the proposed settlement class. *See* Fed. R. Civ. P. 23(e)(1). The Parties jointly request that all deadlines be stayed pending the Court's decision on Plaintiffs' motion for preliminary approval, the hearing scheduled for September 19, 2025 be taken off the calendar, and the supporting memorandum and exhibits to Plaintiffs' Motion for Class Certification (ECF Nos. 314, 316) remain under seal.

DATED: September 18, 2025

Respectfully submitted,

By: /s/ Connor Kelley

Connor Kelley (VA Bar No. 93596)

Valerie Hletko\*

Andrew Soukup\*

Stephen Petkis\*

Jeffrey Huberman\*

Amee Frodle\*

**COVINGTON & BURLING LLP**

One CityCenter

850 Tenth Street, NW

Washington, DC 20001-4956

Telephone: (202) 662-6000

Facsimile: (202) 778-5606

Email: ckelley@cov.com

vhletko@cov.com

asoukup@cov.com

spetkis@cov.com

jhuberman@cov.com

afrodle@cov.com

*Attorneys for Capital One*

*\*Admitted pro hac vice*

By: /s/ Steven T. Webster

Steven T. Webster (VSB No. 31975)

**WEBSTER BOOK LLP**

2300 Wilson Blvd., Suite 728

Alexandria, Virginia 22201

Telephone: (888) 987-9991

swebster@websterbook.com

*Plaintiffs' Local Counsel*

James J. Pizzirusso

**HAUSFELD LLP**

888 16th Street, NW, Suite 300

Washington, DC 20006

Tel: (202) 540-7200

jpizzirusso@hausfeld.com

E. Michelle Drake  
**BERGER MONTAGUE LLP**  
1229 Tyler Street, NE, Suite 205  
Minneapolis, MN 55413  
Tel: (612) 594-5933  
emdrake@bm.net

Douglas J. McNamara  
**COHEN MILSTEIN LLP**  
1100 New York Avenue, NW, Suite 800  
Washington, D.C. 20005  
Tel: (202) 408-4651  
DMcNamara@cohenmilstein.com

Norman E. Siegel  
**STUEVE SIEGEL HANSON LLP**  
460 Nichols Road, Suite 200  
Kansas City, MO 64112  
Tel: (816) 714-7100  
siegel@stuevesiegel.com

*Plaintiffs' Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2025, I caused the foregoing to be filed with the Clerk of the Court using the CM/ECF system, which will then send notification of such filing (NEF) to all counsel of record.

By: /s/ Connor Kelley  
Connor Kelley